

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA**

Anthony Keith Hinton
Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

Capt, Deaundra Johnson
Capt, Shannon Caldwell
CO, Kevin Speaks
Co 2AC McLenmore.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

U.S. DISTRICT COURT
N.D. OF ALABAMA

2:19-CV-01070-CLM-JHE
Case No. 2:19-CV-01070-CLM-JHE
(to be filled in by the Clerk's Office)

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

I. The Parties to this Complaint**A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Anthony Keith Hinton

154078

William E Daldson

100 Warrior Lane

Bessemer

City

Al

State

35023

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Deundra Johnson

Captain

William E Daldson

100 Warrior Lane

Bessemer

City

Al

State

35023

Zip Code



Individual Capacity



Official Capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Shannon L. Caldwell

Captain

William E Daldson

100 Warrior Lane

Bessemer

City

Al

State

35023

Zip Code



Individual Capacity



Official Capacity

Defendant No. 3

Name ZAC McLenmore,
 Job or Title (if known) C.O
 Shield Number _____
 Employer William E Donaldson
 Address 100 Warrior Lane
Bessemer Al 35023
 City State Zip Code
☒ Individual Capacity ☒ Official Capacity

Defendant No. 4

Name K. Speaks, Kevin Speaks
 Job or Title (if known) C.O
 Shield Number _____
 Employer William E Donaldson
 Address 100 Warrior Lane
Bessemer Al 35023
 City State Zip Code
☒ Individual Capacity ☒ Official Capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply);

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th & 14th Amendment
Cruel And unusual punishment, lack of Security

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial Detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other _____
(*explain*)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See Attached Paper

C. What date and approximate time did the events giving rise to your claim(s) occur?

June 27th 2019, 10:45pm July 1st 2019, 9:25pm

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I Was Assaulted Cut on my Right Arm. And Hit in my Face
By inmate Cedric young 311587, I Was Also Assaulted By
Officer Z. McLenmore And Officer K. Speak was Also
Involved, Also. Capt. D. Johnson And Capt. S. Caldwell.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

I was Cut on my Right Arm, And Received Bursed
On The Right Eye And Face, And was Kne in my Back
in Hit Several Times And massed.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I Received Serious Body Harm, which I Could
of loss my life. were it left me Suffering From
Mentally And Physically (Scars) And Emotionally in
Pain, Plus Suffering, which I have To live with
For The Rest of my life. I loss All my Property.
I'm Requesting money damage For The Amount
of \$700,000, which Also Caused Nerve damage
in my Right Eye. \$500,000 in Compensatory
And \$200,000 in Punitive Damages.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

William E. Daldson

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☒ Do Not Know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do Not Know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I Was Placed in Protective Custody Segregation.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I Ask For A Grievance From Several Officers But They Refuse To help me

3. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I Was in Segregation Single Cell, And I Was Place in The Cell With Another inmate. Which Cause Physical injury

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Anthony Keith Hinton

Defendant(s) R. Herb, R. Godsey, J. Binder

2. Court (if federal court, name the district; if state court, name the county and State)

Northern District of Alabama, Southern Division Bitum, Ala

3. Docket or index number

2:19-CV-1070-Cum-JHE

4. Name of Judge assigned to your case

United States Magistrate John N. England III

5. Approximate date of filing lawsuit

7/10/19

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
